

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE,  
EASTERN DIVISION

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HUNT GALLINA and MARY GALLINA,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. _____
	)	
THE CITY OF STANTON, TENNESSEE,	)	
THE MAYOR OF STANTON, Individually	)	
and in his Official Capacity, CITY OF STANTON	)	
PLANNING COMMISSION, Commissioners,	)	
Individually and in Official Capacity, CITY	)	
ATTORNEY OF STANTON, Individually and	)	
in Official Capacity, and AG GRO CROP	)	
SERVICES, JIMMY BAIRD, Individually and as	)	
Agent/owner of Ag Gro Crop Services,	)	
	)	
Defendants.	)	

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**NOTICE OF REMOVAL OF CIVIL ACTION**

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To the Honorable Judges of the United States District Court for the Western District of Tennessee, Eastern Division:

The Defendant, City of Stanton, Tennessee, by and through undersigned counsel, and pursuant to 28 U.S.C. §§ 1441, 1443, and 1446, prays that the above-styled action be removed from the Haywood County Circuit Court for the State of Tennessee to this Honorable Court, and as the basis for the removal, would respectfully show to the Court the following:

1. The Plaintiff has named the City of Stanton, Tennessee, the Mayor of Stanton, the City of Stanton Planning Commission, the City Attorney of Stanton, and Jimmy Baird d/b/a AG GRO Crop Services as Defendants in the above-styled action. Each individually named Defendant is sued in both his individual and official capacities.

2. On July 16, 2010, the Plaintiff filed a Complaint against the Defendants in the Haywood County Circuit Court for the State of Tennessee, Docket No. 3979, and the same is now pending therein.

3. Defendant City Attorney was the first Defendant to be served on July 23, 2010.

4. Subsequent to the filing of the Complaint, no further proceedings have been had herein. Copies of the Complaint and Summons are attached hereto as Exhibits "A" and "B", respectively.

5. In the above-referenced cause of action, Plaintiffs allege that the Defendant City of Stanton violated their Fourteenth Amendment Due Process rights by allegedly ordering and effecting the demolition of Plaintiffs' properties. Plaintiffs further allege an improper taking with respect to salvage materials on Plaintiffs' properties, in violation of United States Constitution. Although not directly stated in the Complaint, Plaintiffs' causes of action for violations of the United States Constitution are presumably brought pursuant to 42 U.S.C. § 1983.

6. Since the above-referenced Complaint alleges a federal cause of action arising under the United States Constitution and Statutes, this Court has original jurisdiction of the claim pursuant to 28 U.S.C. §1331, in that the matter in controversy arises under the laws of the United States, and removal of the action is proper pursuant to 28 U.S.C. §§1441(b), 1443, and 1446. Additionally, Plaintiffs' state law claim, to the extent one is stated, is so related to the federal claim within such original jurisdiction that it forms part of the same case or controversy under Article III of the United States Constitution, and the exercise of supplement jurisdiction by this Court over such claim is proper pursuant to 28 U.S.C.A. § 1367.

7. This Notice is filed with this Court within thirty (30) days after service on the first Defendant of the Summons and Complaint in the above-entitled action.

8. On the 20<sup>th</sup> day of August, 2010, the Defendant, City of Stanton, forwarded a “Notice of Filing Notice of Removal of Civil Action” (a copy of which is attached as Exhibit “C”) along with a copy of this Notice of Removal of Civil Action to the clerk of Haywood County Circuit Court for the State of Tennessee, via U.S. Mail. On the same date, the Defendant served a copy of said pleading upon the counsel for the Plaintiff by first class United States mail, postage prepaid.

9. On the 20<sup>th</sup> day of August, 2010, the Defendant forwarded to the counsel for Plaintiff, by first class United States mail, postage prepaid, a “Notice of Filing Notice of Removal of Civil Action,” a copy of which is attached hereto as Exhibit “D”.

10. All Defendants to this matter have been consulted and do consent in the removal of this case from the Haywood County Circuit Court to this Court.

WHEREFORE, Defendants, by counsel, pray that the above-entitled action be removed from the Haywood County Circuit Court for the State of Tennessee to this Honorable Court.

This the 20<sup>th</sup> day of August, 2010.

Respectfully submitted,

FLIPPIN, COLLINS & HILL, P.L.L.C.

By: /s/Pamela G. Vawter  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of this pleading was served upon the following by depositing same in the United States Mail, postage pre-paid:

Chris R. Johnson  
5234 Edenshire Avenue  
Memphis, TN 38138  
(901) 734-5099

This the 20<sup>th</sup> day of August, 2010.

FLIPPIN, COLLINS & HILL, P.L.L.C.

By: /s/ Pamela G. Vawter  
PAMELA G. VAWTER